

Magistrate Judge Theiler

06-CR-00466-M

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MAY - 4 2009

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID R. MENDOZA,

Defendant.

NO. CR06-466TSZ

MOTION FOR DETENTION  
ORDER

The United States moves for pretrial detention of the defendant, pursuant to  
18 U.S.C. § 3142(e) and (f)

1. Eligibility of Case. This case is eligible for a detention order because this  
case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence  
of ten years or more
- ☐ Crime with a maximum sentence of life imprisonment or death
- ☒ Drug offense with a maximum sentence of ten years or more
- ☒ Felony offense and defendant has two prior convictions in the four  
categories above, or two State convictions that would otherwise fall within  
these four categories if federal jurisdiction had existed.
- ☐ Felony offense involving a minor victim other than a crime of violence

1       — Felony offense, other than a crime of violence, involving possession or use  
2       of a firearm, destructive device (as those terms are defined in 18 U.S.C.  
3       § 921), or any other dangerous weapon

4       — Felony offense other than a crime of violence that involves a failure to  
5       register as a Sex Offender (18 U.S.C. § 2250)

6       X Serious risk the defendant will flee

7       — Serious risk of obstruction of justice, including intimidation of a  
8       prospective witness or juror

9       2. Reason for Detention. The Court should detain defendant because there are  
10      no conditions of release which will reasonably assure (check one or both):

11      X Defendant's appearance as required

12      X Safety of any other person and the community

13      3. Rebuttable Presumption. The United States will invoke the rebuttable  
14      presumption against defendant under § 3142(e). The presumption applies because:

15      — Probable cause to believe defendant committed offense within five years of  
16      release following conviction for a "qualifying offense" committed while on  
17      pretrial release.

18      X Probable cause to believe defendant committed drug offense with a  
19      maximum sentence of ten years or more

20      — Probable cause to believe defendant committed a violation of one of the  
21      following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or  
22      kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

23      — Probable cause to believe defendant committed an offense involving a  
24      victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242,  
25      2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3),  
26      2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

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1       4.    Time for Detention Hearing. The United States requests the Court conduct  
2 the detention hearing:

3       X    At the initial appearance

4       X    After continuance of   3   days (not more than 3)

5       5.    Other matters

6  
7       DATED this   4th   day of  May , 2009.

8                               Respectfully submitted,

9                               JEFFREY C. SULLIVAN  
10                              United States Attorney

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12                              \_\_\_\_\_  
13                              SUSAN M. ROE  
14                              Assistant United States Attorney